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DISCRIMINATION AGAINST INDIGENOUS PEOPLES

Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II)

The Secretary-General has received the following written statement which is distributed in accordance with Economic and Social Council resolution 1296 (XLIV).

[30 July 1993]

GE.93-14397 (E)

Situation of the indigenous people of Guatemala

1. For many years the Sub-Commission on Prevention of Discrimination and Protection of Minorities has had under consideration the situation of the indigenous people of Guatemala, who have suffered centuries of oppression, exploitation, discrimination and repression and indeed still do, at the threshold of the twenty-first century, while the United Nations celebrates the International Year of the World's Indigenous People.

2. The Human Rights Commission of Guatemala (CDHG) - a member of the International Federation of Human Rights (FIDH) - continues to report violations of economic, social and cultural, civil and political rights of indigenous peoples in Guatemala during the period under consideration.

3. In 1992, poverty, i.e. inability to meet the minimum requirements for a decent existence, reached 84 per cent in Guatemala. It particularly affected the majority indigenous population, where levels of illiteracy, malnutrition, infant mortality, lack of services, etc. are highest. Guatemala also comes last in "human development" in the Central American area, according to a recent United Nations Development Programme study (UNDP, Human Development Report 1991).

4. Most indigenous people subsist in over 19,000 small villages of approximately 2,000 inhabitants each, scattered throughout the western part of the country. At harvest time they have to travel to the large plantations on the southern coast, where they earn the basic wage of Q10,000 ($2.00) per day of exhausting effort, not enough to meet their basic needs.

5. Nowadays farm work by indigenous people (men, women - who earn half as much simply because they are women - and children - who are usually not paid -) is no longer a secure livelihood since, owing to changes in the international market, traditional crops have been replaced by crops requiring less labour. The number of both temporary and full-time workers on farms producing for export has decreased by 46 per cent in the last 10 years. The consequences for the survival of indigenous people, who are swelling the unemployment lines and turning to activities in the informal sector with the attendant deterioration in their economic circumstances, are severe.

6. Indigenous people in marginal areas, having been driven from their original villages by military operations, face precarious living conditions and are subject to repression by the police authorities if they attempt to fight for their rights.

7. Those fighting for their rights in the countryside are also the target of repression: on 9 July, Tomas Perez Perez, a member of the Committee for Peasant Unity (CUC), was detained-disappeared by members of the national police and unidentified men in plain clothes, who searched his house in the village of Chontalá, Chichicastenango, El Quiché, and accused him of belonging to the rebels.

8. The militarization of the country also deeply affects the individual and community lives of Guatemala's indigenous people and undermines all their rights through institutions such as the civilian self-defence patrols and discriminatory, forced military conscription.

9. Both the Sub-Commission and the Commission on Human Rights have in their resolutions repeatedly requested the Government of Guatemala to disband the civilian self-defence patrols. The request has not been met to date. The partial agreement on the subject between the Government/Army and the Union Revolucionaria Nacional Guatemalteca (URNG) signed on 8 August 1991 stipulated that the principle of voluntary enlistment would be respected, and that the Office of the Government Attorney for Human Rights would be the State body in charge of enforcing that principle.

10. Recent events have shown that, despite such agreements, the principle of voluntary enlistment is not being respected by the Guatemalan Army. On 10 June, two members of the human rights group Consejo de Comunidades Etnicas Runujel Junan (CERJ) and their families had to take refuge in the Consejo's offices in the provincial capital of El Quiché, after receiving death threats from soldiers because they would not join the patrols. Jerónimo Morales Tiquiriz (37) and his family - wife Candelaria Xon Gonzáles (30) and their children, Juan (10), Anastasia (6), Manuela (8), and Domingo (4) Morales Xon - and Tomas Suy Caniz (34), together with his household, Natali Mejía Riequic (23), Rolando Ismael Suy Mejía (9 months) and Carlos Mejía Tian (12), natives of the canton of Panquiac, Chichicastenango, El Quiché, had to leave their community and seek protection at the CERJ offices.

11. Indigenous men put forward several reasons for refusing to patrol: among others, the duties are unpaid and require them to neglect their farm work, with serious consequences for their families' living conditions. This has been popularly summed up as "joining the patrols takes food out of our children's mouths". They also run risks when they go on patrol: they are made to alternate with soldiers in the file, but have neither the training nor the proper equipment for confrontations with the rebels. The rebels in any event do not attack villagers, which negates the Guatemalan Army's main argument for maintaining this system: to defend the civilian population from guerrilla attacks.

12. This brings us to another popular argument against patrolling: it involves local people in activities that violate human rights and may affect their neighbours, friends, or even their own families. This has serious implications for life in the community, as does the nearly unlimited power acquired by patrol leaders who in some places have supplanted the traditional authorities.

13. Another factor affecting the rights of the indigenous people, as indicated above, is discriminatory, forced miliary conscription applied violently and high-handedly by soldiers and officers until recently in a manner very similar to kidnapping. As in other countries, serving and defending one's country and doing one's military service is a constitutional duty; in the case of Guatemala, however, it has serious implications for

indigenous people since it is their sons who are forcibly conscripted even if they are the family's sole economic support or students, when legally they are exempt from military service.

14. The strong opposition to miliary service stems from the knowledge that the Guatemalan Army is chiefly to blame for the human rights violations in rural areas from which indigenous people have suffered. It represents a conscious decision not to take part in the repression of one's own kind, which basically amounts to "conscientious objection". The Army is now introducing new forms of conscription, which rely on devices such as notifying every youth that when he comes of age he must undergo a medical examination and appear before a municipal board which will determine whether or not he must do military service. Changing recruitment methods, however, is no solution to the problem, since it does not affect indigenous youths' basic reason for refusing to serve, described above.

15. In view of this situation, public groups have mounted a powerful and consistent campaign, using both the legal machinery available and other means of defending human rights, including people's growing awareness of the problems. In addition, they are demanding that the new Government headed by President designate Ramiro de León Carpio, the former Government Attorney for Human Rights, take swift action to pave the way for an easing of the country's impoverished circumstances in the near future, and to show credible signs that the country is being demilitarized, making possible an improvement in the human rights situation for the indigenous people of Guatemala.